

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

HASHEM LLC,

Plaintiff,

v.

**MOUNT CARMEL HOSPITAL and
PLANNED PARENTHOOD,**

Defendants.

§
§
§
§
§
§
§
§
§
§

Case No. 3:16-CV-0270-K-BK

**FINDINGS, CONCLUSIONS, AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE**

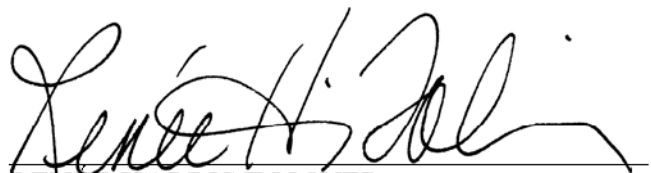
Pursuant to *Special Order 3*, this case has been referred to the undersigned for pretrial management. In an order dated February 8, 2016, the Court ordered Plaintiff, an entity, to retain licensed counsel for representation and to submit an amended complaint that complied with [Federal Rule of Civil Procedure 8\(a\)](#) and contained factual allegations to support federal question or diversity jurisdiction. [Doc. 6](#). The Court warned Plaintiff that if it did not obtain counsel within 21 days and file a proper amended complaint within 30 days, the case could be dismissed for lack of prosecution. [Doc. 6](#). Both deadlines have since passed, and Plaintiff has failed to comply with the Court's orders or seek an extension of the time in which to do so.

Rule 41(b) of the Federal Rules of Civil Procedure allows a court to dismiss an action *sua sponte* for failure to prosecute or for failure to comply with the federal rules or any court order. [Larson v. Scott](#), 157 F.3d 1030, 1031 (5th Cir. 1998). "This authority flows from the court's inherent power to control its docket and prevent undue delays in the disposition of pending cases." [Boudwin v. Graystone Ins. Co., Ltd.](#), 756 F.2d 399, 401 (5th Cir. 1985) (citing [Link v. Wabash R.R. Co.](#), 370 U.S. 626 (1962)).

Plaintiff has had ample opportunity to respond to the Court's orders. It has impliedly refused or declined to do so. Therefore, this action should be dismissed without prejudice for lack of prosecution. *See* [FED. R. CIV. P. 41\(b\)](#) (an involuntary dismissal "operates as an adjudication on the merits," unless otherwise specified).

For the foregoing reasons, it is recommended that this action be **DISMISSED WITHOUT PREJUDICE** for want of prosecution.

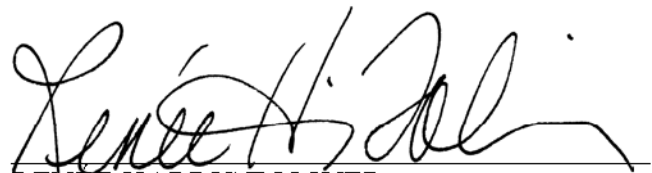
SIGNED on April 19, 2016.



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE

**INSTRUCTIONS FOR SERVICE AND
NOTICE OF RIGHT TO APPEAL/OBJECT**

A copy of this report and recommendation will be served on all parties in the manner provided by law. Any party who objects to any part of this report and recommendation must file specific written objections within 14 days after being served with a copy. *See* [28 U.S.C. § 636\(b\)\(1\)](#); [FED. R. CIV. P. 72\(b\)](#). In order to be specific, an objection must identify the specific finding or recommendation to which objection is made, state the basis for the objection, and specify the place in the magistrate judge's report and recommendation where the disputed determination is found. An objection that merely incorporates by reference or refers to the briefing before the magistrate judge is not specific. Failure to file specific written objections will bar the aggrieved party from appealing the factual findings and legal conclusions of the magistrate judge that are accepted or adopted by the district court, except upon grounds of plain error. *See* [Douglass v. United Services Automobile Ass'n](#), 79 F.3d 1415, 1417 (5th Cir. 1996).



RENEE HARRIS TOLIVER
UNITED STATES MAGISTRATE JUDGE